



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

ANDREASON

Atty. Ref.: 1410-762

Serial No. 09/898,480

TC/A.U.: 2618

Filed: July 5, 2001

Examiner: Aminzay, Shaima Q.

For: AN ARRANGEMENT AND A METHOD IN A TELEPHONY
SYSTEM

February 20, 2009

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

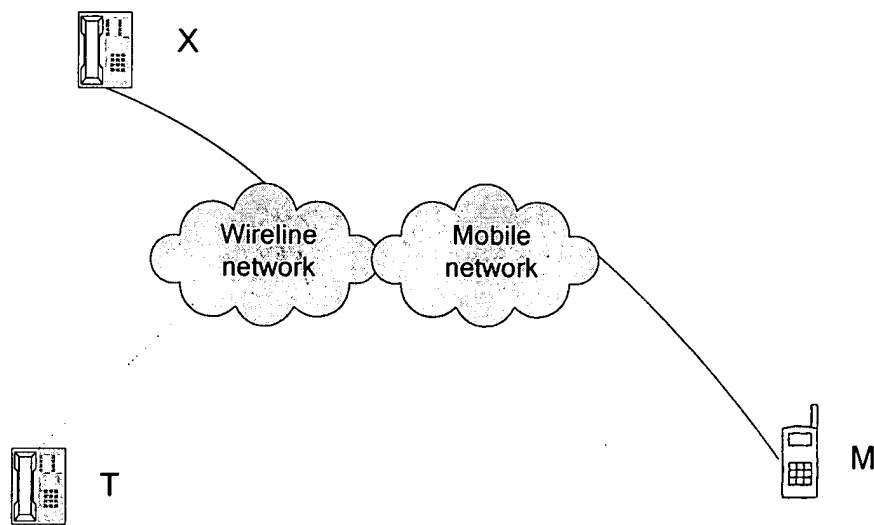
REPLY BRIEF

Sir:

This is a reply to the Examiner's Answer dated December 22, 2008. The status of the claims is revised. Claims 7, 9-16, 18, and 20 are allowed. Claims 6, 8, 17, and 19 are cancelled. The sole rejection is that of claims 1-5 and 21-25 for obviousness based on Henon and Tada. This rejection is appealed.

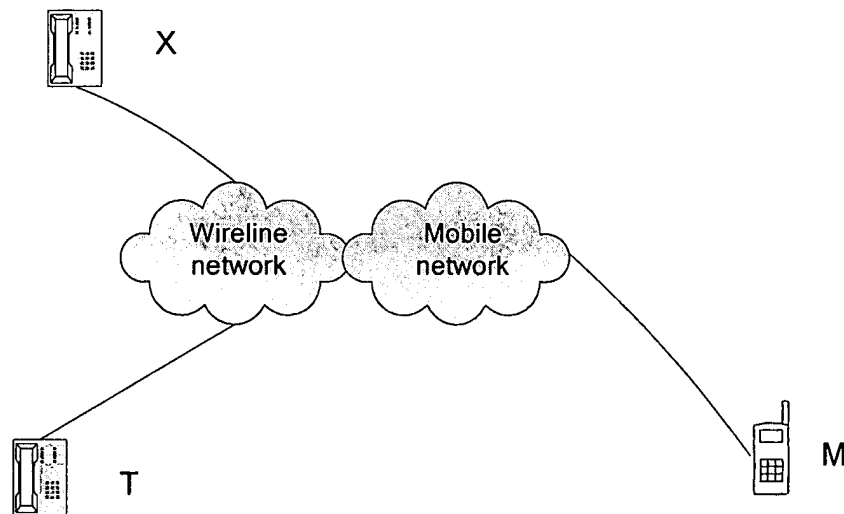
The Answer is based on a fundamental misinterpretation of Henon. To assist the Board in its understanding of Henon, the following figures illustrate what Henon teaches. The abbreviations "X", "M" and "T" are used in the figures to denote the other party X, the wireless/mobile telephone M, and the wireline/stationary telephone T. Henon's mobile telephone M (100, 312d, 400) is engaged in a call with another party, X, inferred from the "in-progress call." Thus, there is a speech connection from the mobile phone M

to X, passing through the mobile network 106, and possibly also passing other networks on the way to X, depending on where X is located. The illustration below assumes X belongs to the same wireline network as T.

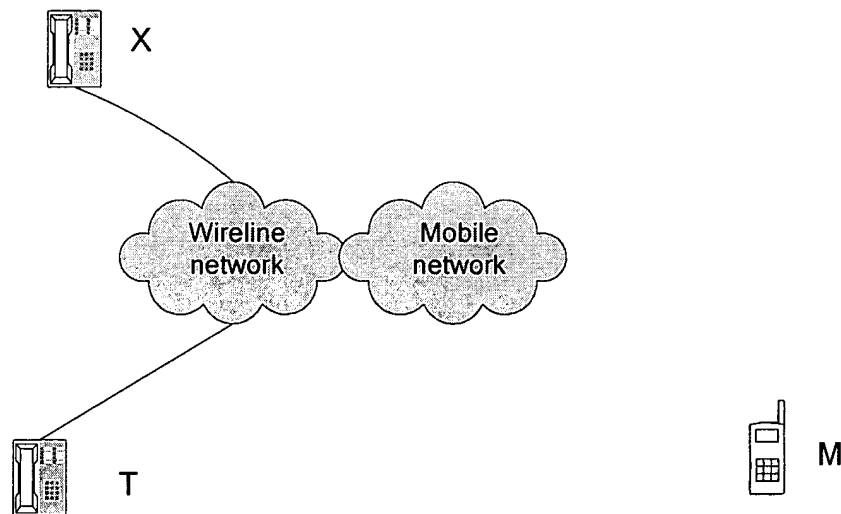


In figure 2 of Henon, at step 202, the user of mobile telephone M identifies a wired telephone T (102, 314g, 500) to which the user wants to transfer the ongoing call between M and X (col. 3, lines 48-50). At step 204, the user instructs the mobile phone M to obtain the telephone number of the wired phone T (col. 3, lines 51-62), e.g., by pressing a key on the mobile phone M. The mobile telephone M sets up a Bluetooth connection to wired telephone T and sends a message over the connection requesting the wired telephone T to send back its telephone number (step 206 and col. 3, lines 63-67). The wired telephone T sends a reply containing its telephone number (step 208 and col. 4, lines 1-4). Mobile phone M sends a call transfer request including the phone number of T to *base station (104, 304) in the mobile network* (col. 4, line 4-8). At step 212, *the base station and the cellular network* reroute the call to T's number. This means that the

cellular network switching center (310) first initiates a call to T via the wireline network 108 to which T is connected (the Public Switched Telephone Network in fig. 3) and prepares a speech path to T that does not include mobile M. When the bell of wired telephone T rings to signal the incoming call (step 214 and col.4, line 11-16), the user answers this call by picking up the handset of T, and the speech connection to T is activated, as shown below.



When in step 216, the user hangs up the mobile phone M, X and T are connected while the call to M is disconnected. M is no longer involved in the call (col. 2, line 10-11) as shown in the next figure.



Henon's approach is quite different from what is recited in claims 1 and 21.

Henon lacks, for example, the italicized features in the following element from claim 21:

- communicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone, where the short range wireless communication link is separate from the radio link;
- establishing a *speech channel over the short range wireless communication link for carrying speech signals between the stationary telephony terminal and the mobile radio telephone*; and
- communicating *speech to or from the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone with another telephone communicating with the radio telephony network, said communicating speech including transmitting and receiving speech signals over the speech channel established over the short range wireless communication link.*

Contrary to the Examiner's statement on page 12 of the Answer, Henon's system is not "similar" to what is recited in claims 1 and 21. The Examiner's characterization of

“applicant’s invention” as “to link wireless and wired telephone call connections” ignores the words in claims 1 and 21. Moreover, Henon is not about “linking” wireless and wired telephone call connections. Rather, Henon’s invention is about transferring an in-progress telephone call that a wireless mobile telephone 100 (M) is having with another party (X) from the wireless mobile telephone 100 to a wired telephone 102 (T) so as to save the battery in the wireless mobile telephone 100.

The Examiner asserts on page 13 of the Answer that Henon’s Bluetooth link can carry speech. But what is important is that Henon’s Bluetooth link does not carry any speech. Nor is there any teaching of or reason for it to carry speech since the whole point in Henon’s invention is to transfer the call from the wireless mobile telephone 100 to a stationary phone 102 so that the wireless mobile telephone 100 is no longer involved in any way with the call.

Although Tada mentions generally that “the Bluetooth system” in general includes a data channel (ASL) and a synchronous speech channel (SCO), it is not clear that Tada ever discloses using the SCO to transfer speech between the PC1 and the portable phone 2. While the Examiner points to text indicating that the PC1 and the portable phone 2 both have a speaker and microphone, there is no indication that they communicate speech with each other over a Bluetooth SCO. Rather, Tada simply states at col. 4, lines 29-37 that they exchange data such as mail and personal information:

The information processing apparatus 1 is, for example, a notebook type personal computer (to be referred to as a PC hereinafter) that can be driven on a battery, and can communicate with a portable device such as a portable telephone 2 by establishing a local link thereto by radio. In a

state where this radio link is established, a user can, for example, remotely control the PC 1 by using the portable telephone 2 and exchange *data such as mail and personal information with the PC 1 and the portable telephone 2.*

The Examiner further states on page 13 that both Henon and Tada inventions make “call connections” between a wireless mobile telephone and a wired device. The Board should not be misled by that phrasing. Claims 1 and 21 do not simply recite a connection or a link. Instead, they require transmitting and receiving speech signals over a speech channel established over a short range wireless communication link that is different than a wireless link between a wireless phone and a radio network. Asking for and providing a wired phone’s telephone number (as in Henon) or exchanging email or other data (as in Tada) is not the same as (1) establishing a speech channel over a short range wireless communication link between the wireless phone and wired device and (2) transmitting and receiving speech signals over a speech channel established over that short range wireless communication link, (3) where speech signals from the wired device are communicated over that speech channel to the wireless phone which then forwards those speech signals to a mobile telephony network, as set forth in claims 1 and 21.

On page 14, the Examiner asserts that

the wired (stationary) telephone (102, 314, 500 is making call (talk or speech or vice) connection over the cellular (mobile radio) network (e.g. 106) via wireless (mobile) telephone (100, 312, 400) with other telephone (e.g. 108), the short range transceivers (e.g. 425, 525) of wireless (mobile) and wired (stationary) telephones transmit and receive voce (speech or call) signals via short range wireless connection, where the radio link connects the wireless telephone and wired telephone to a base station (e.g. 104, 304) to PSTN or

to a cellular network, and the a short range link connects the wireless and wired telephones (e.g. 112) to each other.

Several of these assertions are incorrect.

First, Henon's wired phone 102 is not making a "talk or speech or vice [sic]" call over the cellular network 106. The wired phone 102 is only making a speech call after the in progress call with the wireless phone 100 is transferred to the wired phone 102 via the wireline network 108. See col. 4, lines 11-13. Second, Henon's wired phone 102 is not making a speech call "via wireless (mobile) telephone" because the transfer of the call means that the call is rerouted from the mobile 100 to the wired phone 102. See steps 212-216 in Fig. 2 of Henon. Third, the statement "the short range transceivers (e.g. 425, 525) of wireless (mobile) and wired (stationary) telephones transmit and receive voce (speech or call) signals via short range wireless connection" is simply not true. There is no teaching in Henon that the wireless and wired phones transmit or receive voice signals using short range transceivers. All that Henon describes as being transmitted or received with those short range transceivers are control messages including a request for the wired phone's telephone number (step 206) and the wired phone's telephone number sent in response thereto (step 208). Those control messages are not voice signals.

In addition to the combination of Henon and Tada missing elements recited in claims 1 and 21, the combination is improper for the reasons set forth in the Brief. Notably, the Answer fails to address Henon's teaching away from the combination.

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Accordingly, for the reasons explained above and in the Brief, the Board should reverse the final rejection.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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